IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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WRIT PETITION NO : 16589 of 2005

Between:

M/s. Sri Jaihind Talkies, Vijayawada, Rep.

by its Partner D. Srinivas

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Rep. by its Principal

Secretary, HOme Department,
Secretariat, Hyderabad.
2. The Joint Collector and Licensing Authority, Krishna District,

Machilipatnam.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 16589 of 2005

ORDER:

The grievance of the petitioner in this writ petition is that the Joint Collector and Licensing Authority, Krishna District (second respondent) by proceedings No. C2/1273/M/2003, dated 20.07.2005, ordered for stopping exhibition of films in the petitioner's theatre with immediate effect on the ground that the interim order of this Court in W.P.M.P.No.28220 of 2004 in W.P.No.21539 of 2004, dated 24.11.2004, whereby temporary permission was granted to the petitioner to run the theatre for a period of two months i.e. from 24.11.2004 to 23.01.2005, had expired by 23.01.2005. The order of the second respondent further states that the Government in Memo, dated 29.06.2005 and 19.07.2005 had issued instructions to stop exhibition of films in the petitioner's theatre since the period of two months had already expired on 23.01.2005 and no further orders were issued by the High Court extending the order beyond 23.01.2005.

2. In this connection, it is necessary to take note of a few events, leading to the present W.P.No.21539 of 2004 being filed before this Court.

3. The Managing Partner of the petitioner's theatre had requested for being issued permission to construct the theatre in the newly constructed EV Plaza Complex, Vijayawada, under Rule 9(b) of the A.P.C (R) Rules, 1970, which was rejected. The petitioner preferred an appeal before the Government, which granted 'C' permit for a period of six months in favour of the Managing Partner of the petitioner, pending

disposal of the appeal. The grievance of the petitioner is that he ought to have been given licence for a period of five years as prescribed under the Act and that permission ought not to have been restricted only for a period of six months. The permission granted by the Government for a period of six months expired on 23.09.2004. Challenging the order of the Government in restricting the permission granted only to a period of six months, the petitioner filed W.P.No.5656 of 2004 before this Court. This Court passed an interim order on 24.11.2004 directing the respondents to permit the petitioner herein to run the theatre by issuing 'C' Form licence for a period of two months i.e. from 24.11.2004 to 23.01.2005. The interim order passed by this Court on 24.11.2004 has not been extended subsequent thereto. Since the order of the Government granting 'C' permit for a period of six months expired on 23.9.2004 and the order of this Court directing the respondents to grant temporary license in 'C' Form expired on 23.01.2005, the continued exhibition of films by the petitioner is contrary to the statutory provisions in this regard, and is illegal.

4. Sri B.Purushotham Reddy, learned counsel for the petitioner contends that the Joint Collector discharges a quasi judicial function in granting/rejecting permission and that he cannot act on the dictates of the Government or mechanically follow the orders of the Government without exercising his mind independently to the facts of the case on hand. Learned counsel relies on a Judgment of this Court in **NATARAJ THEATRE AND CHAND TALKIES –Vs- GOVERNMENT OF ANDHRA PRADESH HOME DEPARTMENT AND OTHERS** It is well settled that quasi judicial authorities ought not to abdicate their powers or act at the behest of others, even if they are so directed by authorities higher in rank. This principle has no application to the facts of the present case. The Government has merely pointed out the fact that the petitioner was exhibiting films in his theatre without authorization, a prerequisite for exhibiting films. Even if the orders of the Government were to be ignored, there is no dispute that after 23.01.2005 the petitioner does not have either the permission of the Government nor is there any order of this Court in its favour entitling it to continue exhibiting films in its theatre. W.P.No.16589 of 2005 is listed for admission and during the course of hearing of this Writ Petition, the interim orders passed in W.P.M.P.No.28220 of 2004 in W.P.No.21539 of 2004, which is not even listed before this Court, cannot be extended. Learned Counsel for the petitioner

submits that inasmuch as the said Writ Petition No.21539 of 2004 is listed before a single Judge, who is now sitting in a Larger Bench, the petitioner was constrained to file a fresh writ petition before this Court. This submission cannot be countenanced and no orders can be passed in this writ petition extending the interim orders passed earlier in W.P.No.21539 of 2004, which Writ Petition is not even before this Court. The writ petition as filed is wholly misconceived. The impugned order, dated 20.07.2005 is in accordance with law and does not call for any interference.

5. Writ Petition is accordingly dismissed. No order as to costs.

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29-07-2005

Note: Copy by Tuesday

b/o kvrm